

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

ABERCROMBIE & FITCH CO., et al.,

Defendants.

6:10-CV-00111

JURY TRIAL DEMANDED

**BRAIN BUSTER'S ANSWER AND COUNTERCLAIM TO PARALLEL NETWORKS'
THIRD AMENDED COMPLAINT FOR PATENT INFRINGEMENT IN CIVIL ACTION
NO. 6:10-CV-00111 PRIOR TO CONSOLIDATION**

Defendant Brain Buster Enterprises, LLC (“Brain Buster”) files this Answer and Counterclaim to Plaintiff Parallel Networks, LLC’s (“Parallel Networks”) Third Amended Complaint for Patent Infringement in Civil Action No. 6:10-cv-00111 Prior to Consolidation (“Complaint”). Brain Buster denies the allegations and characterizations in Parallel Networks’ Complaint unless expressly admitted in the following paragraphs:

1. Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 1 and therefore denies the same.

2. Paragraph 2 does not require a response by Brain Buster. To the extent that Paragraph 2 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 2 and therefore denies the same.

3. Paragraph 3 does not require a response by Brain Buster. To the extent that Paragraph 3 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 3 and therefore denies the same.

4. Brain Buster admits that it is a limited liability company with a place of business at 555 West 18th Street, 3rd Floor in New York, New York. Except as expressly admitted herein, Brain Buster denies each and every allegation of Paragraph 4.

5. Paragraph 5 does not require a response by Brain Buster. To the extent that Paragraph 5 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 5 and therefore denies the same.

6. Paragraph 6 does not require a response by Brain Buster. To the extent that Paragraph 6 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 6 and therefore denies the same.

7. Brain Buster admits that IAC Search & Media, Inc. is a corporation with a place of business at 555 12th Street, Oakland, CA 94607. Except as expressly admitted herein, Brain Buster denies each and every allegation of Paragraph 7.

8. Paragraph 8 does not require a response by Brain Buster. To the extent that Paragraph 8 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 8 and therefore denies the same.

9. Paragraph 9 does not require a response by Brain Buster. To the extent that Paragraph 9 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 9 and therefore denies the same.

10. Paragraph 10 does not require a response by Brain Buster. To the extent that Paragraph 10 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 10 and therefore denies the same.

11. Paragraph 11 does not require a response by Brain Buster. To the extent that Paragraph 11 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 11 and therefore denies the same.

12. Paragraph 12 does not require a response by Brain Buster. To the extent that Paragraph 12 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 12 and therefore denies the same.

13. Paragraph 13 does not require a response by Brain Buster. To the extent that Paragraph 13 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 13 and therefore denies the same.

14. Paragraph 14 does not require a response by Brain Buster. To the extent that Paragraph 14 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 14 and therefore denies the same.

15. Paragraph 15 does not require a response by Brain Buster. To the extent that Paragraph 15 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 15 and therefore denies the same.

16. Paragraph 16 does not require a response by Brain Buster. To the extent that Paragraph 16 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 16 and therefore denies the same.

17. Paragraph 17 does not require a response by Brain Buster. To the extent that Paragraph 17 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 17 and therefore denies the same.

18. Paragraph 18 does not require a response by Brain Buster. To the extent that Paragraph 18 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 18 and therefore denies the same.

19. Paragraph 19 does not require a response by Brain Buster. To the extent that Paragraph 19 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 19 and therefore denies the same.

20. Paragraph 20 does not require a response by Brain Buster. To the extent that Paragraph 20 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 20 and therefore denies the same.

21. Paragraph 21 does not require a response by Brain Buster. To the extent that Paragraph 21 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 21 and therefore denies the same.

22. Paragraph 22 does not require a response by Brain Buster. To the extent that Paragraph 22 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 22 and therefore denies the same.

23. Brain Buster admits that Shoebuy.com, Inc. is a corporation with a place of business at 101 Arch Street, 16th Floor in Boston, Massachusetts. Except as expressly admitted herein, Brain Buster denies each and every allegation of Paragraph 23.

24. Paragraph 24 does not require a response by Brain Buster. To the extent that Paragraph 24 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 24 and therefore denies the same.

25. Paragraph 25 does not require a response by Brain Buster. To the extent that Paragraph 25 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 25 and therefore denies the same.

26. Paragraph 26 does not require a response by Brain Buster. To the extent that Paragraph 26 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 26 and therefore denies the same.

27. Paragraph 27 does not require a response by Brain Buster. To the extent that Paragraph 27 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 27 and therefore denies the same.

28. Paragraph 28 does not require a response by Brain Buster. To the extent that Paragraph 28 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 28 and therefore denies the same.

29. Brain Buster admits that this action arises under the patent laws of the United States, Title 35, United States Code. Brain Buster admits that this Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a). Brain Buster further lacks knowledge sufficient to confirm or deny the allegations against the other defendants and therefore denies the same. Except as expressly admitted herein, Brain Buster denies each and every allegation of Paragraph 29.

30. Brain Buster denies the allegations of Paragraph 30 as they pertain to Brain Buster. Brain Buster lacks knowledge sufficient to confirm or deny the allegations against the other defendants and therefore denies the same. Except as expressly admitted herein, Brain Buster denies each and every allegation of Paragraph 30.

31. Brain Buster admits that the face of U.S. Patent No. 6,446,111 (the “‘111 Patent”) indicates that it is entitled “Method and Apparatus for Client-Server Communication Using a Limited Capability Client Over a Low-Speed Communications Link” and that it issued on September 3, 2002. Brain Buster denies that the ‘111 Patent was duly and legally issued.

32. Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 32 and therefore denies the same.

33. Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 33 and therefore denies the same.

34. Paragraph 34 does not require a response by Brain Buster. To the extent that Paragraph 34 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 34 and therefore denies the same.

35. Paragraph 35 does not require a response by Brain Buster. To the extent that Paragraph 35 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 35 and therefore denies the same.

36. Paragraph 36 does not require a response by Brain Buster. To the extent that Paragraph 36 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 36 and therefore denies the same.

37. Paragraph 37 does not require a response by Brain Buster. To the extent that Paragraph 37 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 37 and therefore denies the same.

38. Paragraph 38 does not require a response by Brain Buster. To the extent that Paragraph 38 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 38 and therefore denies the same.

39. Paragraph 39 does not require a response by Brain Buster. To the extent that Paragraph 39 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 39 and therefore denies the same.

40. Paragraph 40 does not require a response by Brain Buster. To the extent that Paragraph 40 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 40 and therefore denies the same.

41. Paragraph 41 does not require a response by Brain Buster. To the extent that Paragraph 41 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 41 and therefore denies the same.

42. Brain Buster denies the allegations of Paragraph 42.

43. Brain Buster denies the allegations of Paragraph 43.

44. Brain Buster denies the allegations of Paragraph 44.

45. Brain Buster denies the allegations of Paragraph 45.

46. Paragraph 46 does not require a response by Brain Buster. To the extent that Paragraph 46 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 46 and therefore denies the same.

47. Paragraph 47 does not require a response by Brain Buster. To the extent that Paragraph 47 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 47 and therefore denies the same.

48. Paragraph 48 does not require a response by Brain Buster. To the extent that Paragraph 48 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 48 and therefore denies the same.

49. Paragraph 49 does not require a response by Brain Buster. To the extent that Paragraph 49 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 49 and therefore denies the same.

50. Paragraph 50 does not require a response by Brain Buster. To the extent that Paragraph 50 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 50 and therefore denies the same.

51. Paragraph 51 does not require a response by Brain Buster. To the extent that Paragraph 51 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 51 and therefore denies the same.

52. Paragraph 52 does not require a response by Brain Buster. To the extent that Paragraph 52 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 52 and therefore denies the same.

53. Paragraph 53 does not require a response by Brain Buster. To the extent that Paragraph 53 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 53 and therefore denies the same.

54. Paragraph 54 does not require a response by Brain Buster. To the extent that Paragraph 54 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 54 and therefore denies the same.

55. Paragraph 55 does not require a response by Brain Buster. To the extent that Paragraph 55 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 55 and therefore denies the same.

56. Paragraph 56 does not require a response by Brain Buster. To the extent that Paragraph 56 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 56 and therefore denies the same.

57. Paragraph 57 does not require a response by Brain Buster. To the extent that Paragraph 57 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 57 and therefore denies the same.

58. Paragraph 58 does not require a response by Brain Buster. To the extent that Paragraph 58 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 58 and therefore denies the same.

59. Paragraph 59 does not require a response by Brain Buster. To the extent that Paragraph 59 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 59 and therefore denies the same.

60. Paragraph 60 does not require a response by Brain Buster. To the extent that Paragraph 60 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 60 and therefore denies the same.

61. Paragraph 61 does not require a response by Brain Buster. To the extent that Paragraph 61 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 61 and therefore denies the same.

62. Paragraph 62 does not require a response by Brain Buster. To the extent that Paragraph 62 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 62 and therefore denies the same.

63. Paragraph 63 does not require a response by Brain Buster. To the extent that Paragraph 63 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 63 and therefore denies the same.

64. Paragraph 64 does not require a response by Brain Buster. To the extent that Paragraph 64 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 64 and therefore denies the same.

65. Paragraph 65 does not require a response by Brain Buster. To the extent that Paragraph 65 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 65 and therefore denies the same.

66. Paragraph 66 does not require a response by Brain Buster. To the extent that Paragraph 66 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 66 and therefore denies the same.

67. Paragraph 67 does not require a response by Brain Buster. To the extent that Paragraph 67 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 67 and therefore denies the same.

68. Paragraph 68 does not require a response by Brain Buster. To the extent that Paragraph 68 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 68 and therefore denies the same.

69. Paragraph 69 does not require a response by Brain Buster. To the extent that Paragraph 69 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 69 and therefore denies the same.

70. Paragraph 70 does not require a response by Brain Buster. To the extent that Paragraph 70 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 70 and therefore denies the same.

71. Paragraph 71 does not require a response by Brain Buster. To the extent that Paragraph 71 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 71 and therefore denies the same.

72. Paragraph 72 does not require a response by Brain Buster. To the extent that Paragraph 72 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 72 and therefore denies the same.

73. Paragraph 73 does not require a response by Brain Buster. To the extent that Paragraph 73 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 73 and therefore denies the same.

74. Paragraph 74 does not require a response by Brain Buster. To the extent that Paragraph 74 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 74 and therefore denies the same.

75. Paragraph 75 does not require a response by Brain Buster. To the extent that Paragraph 75 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 75 and therefore denies the same.

76. Paragraph 76 does not require a response by Brain Buster. To the extent that Paragraph 76 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 76 and therefore denies the same.

77. Paragraph 77 does not require a response by Brain Buster. To the extent that Paragraph 77 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 77 and therefore denies the same.

78. Paragraph 78 does not require a response by Brain Buster. To the extent that Paragraph 78 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 78 and therefore denies the same.

79. Paragraph 79 does not require a response by Brain Buster. To the extent that Paragraph 79 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 79 and therefore denies the same.

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81. Paragraph 81 does not require a response by Brain Buster. To the extent that Paragraph 81 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 81 and therefore denies the same.

82. Paragraph 82 does not require a response by Brain Buster. To the extent that Paragraph 82 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 82 and therefore denies the same.

83. Paragraph 83 does not require a response by Brain Buster. To the extent that Paragraph 83 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 83 and therefore denies the same.

84. Paragraph 84 does not require a response by Brain Buster. To the extent that Paragraph 84 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 84 and therefore denies the same.

85. Paragraph 85 does not require a response by Brain Buster. To the extent that Paragraph 85 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 85 and therefore denies the same.

86. Paragraph 86 does not require a response by Brain Buster. To the extent that Paragraph 86 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 86 and therefore denies the same.

87. Paragraph 87 does not require a response by Brain Buster. To the extent that Paragraph 87 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 87 and therefore denies the same.

88. Paragraph 88 does not require a response by Brain Buster. To the extent that Paragraph 88 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 88 and therefore denies the same.

89. Paragraph 89 does not require a response by Brain Buster. To the extent that Paragraph 89 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 89 and therefore denies the same.

90. Paragraph 90 does not require a response by Brain Buster. To the extent that Paragraph 90 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 90 and therefore denies the same.

91. Paragraph 91 does not require a response by Brain Buster. To the extent that Paragraph 91 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 91 and therefore denies the same.

92. Paragraph 92 does not require a response by Brain Buster. To the extent that Paragraph 92 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 92 and therefore denies the same.

93. Paragraph 93 does not require a response by Brain Buster. To the extent that Paragraph 93 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 93 and therefore denies the same.

94. Paragraph 94 does not require a response by Brain Buster. To the extent that Paragraph 94 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 94 and therefore denies the same.

95. Paragraph 95 does not require a response by Brain Buster. To the extent that Paragraph 95 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 95 and therefore denies the same.

96. Paragraph 96 does not require a response by Brain Buster. To the extent that Paragraph 96 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 96 and therefore denies the same.

97. Paragraph 97 does not require a response by Brain Buster. To the extent that Paragraph 97 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 97 and therefore denies the same.

98. Paragraph 98 does not require a response by Brain Buster. To the extent that Paragraph 98 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 98 and therefore denies the same.

99. Paragraph 99 does not require a response by Brain Buster. To the extent that Paragraph 99 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 99 and therefore denies the same.

100. Paragraph 100 does not require a response by Brain Buster. To the extent that Paragraph 100 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 100 and therefore denies the same.

101. Paragraph 101 does not require a response by Brain Buster. To the extent that Paragraph 101 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 101 and therefore denies the same.

102. Paragraph 102 does not require a response by Brain Buster. To the extent that Paragraph 102 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 102 and therefore denies the same.

103. Paragraph 103 does not require a response by Brain Buster. To the extent that Paragraph 103 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 103 and therefore denies the same.

104. Paragraph 104 does not require a response by Brain Buster. To the extent that Paragraph 104 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 104 and therefore denies the same.

105. Paragraph 105 does not require a response by Brain Buster. To the extent that Paragraph 105 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 105 and therefore denies the same.

106. Paragraph 106 does not require a response by Brain Buster. To the extent that Paragraph 106 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 106 and therefore denies the same.

107. Paragraph 107 does not require a response by Brain Buster. To the extent that Paragraph 107 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 107 and therefore denies the same.

108. Paragraph 108 does not require a response by Brain Buster. To the extent that Paragraph 108 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 108 and therefore denies the same.

109. Paragraph 109 does not require a response by Brain Buster. To the extent that Paragraph 109 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 109 and therefore denies the same.

110. Paragraph 110 does not require a response by Brain Buster. To the extent that Paragraph 110 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 110 and therefore denies the same.

111. Paragraph 111 does not require a response by Brain Buster. To the extent that Paragraph 111 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 111 and therefore denies the same.

112. Paragraph 112 does not require a response by Brain Buster. To the extent that Paragraph 112 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 112 and therefore denies the same.

113. Paragraph 113 does not require a response by Brain Buster. To the extent that Paragraph 113 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 113 and therefore denies the same.

114. Paragraph 114 does not require a response by Brain Buster. To the extent that Paragraph 114 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 114 and therefore denies the same.

115. Paragraph 115 does not require a response by Brain Buster. To the extent that Paragraph 115 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 115 and therefore denies the same.

116. Paragraph 116 does not require a response by Brain Buster. To the extent that Paragraph 116 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 116 and therefore denies the same.

117. Paragraph 117 does not require a response by Brain Buster. To the extent that Paragraph 117 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 117 and therefore denies the same.

118. Paragraph 118 does not require a response by Brain Buster. To the extent that Paragraph 118 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 118 and therefore denies the same.

119. Paragraph 119 does not require a response by Brain Buster. To the extent that Paragraph 119 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 119 and therefore denies the same.

120. Paragraph 120 does not require a response by Brain Buster. To the extent that Paragraph 120 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 120 and therefore denies the same.

121. Paragraph 121 does not require a response by Brain Buster. To the extent that Paragraph 121 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 121 and therefore denies the same.

122. Paragraph 122 does not require a response by Brain Buster. To the extent that Paragraph 122 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 122 and therefore denies the same.

123. Paragraph 123 does not require a response by Brain Buster. To the extent that Paragraph 123 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 123 and therefore denies the same.

124. Paragraph 124 does not require a response by Brain Buster. To the extent that Paragraph 124 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 124 and therefore denies the same.

125. Paragraph 125 does not require a response by Brain Buster. To the extent that Paragraph 125 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 125 and therefore denies the same.

126. Paragraph 126 does not require a response by Brain Buster. To the extent that Paragraph 126 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 126 and therefore denies the same.

127. Paragraph 127 does not require a response by Brain Buster. To the extent that Paragraph 127 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 127 and therefore denies the same.

128. Paragraph 128 does not require a response by Brain Buster. To the extent that Paragraph 128 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 128 and therefore denies the same.

129. Paragraph 129 does not require a response by Brain Buster. To the extent that Paragraph 129 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 129 and therefore denies the same.

130. Paragraph 130 does not require a response by Brain Buster. To the extent that Paragraph 130 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 130 and therefore denies the same.

131. Paragraph 131 does not require a response by Brain Buster. To the extent that Paragraph 131 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 131 and therefore denies the same.

132. Paragraph 132 does not require a response by Brain Buster. To the extent that Paragraph 132 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 132 and therefore denies the same.

133. Paragraph 133 does not require a response by Brain Buster. To the extent that Paragraph 133 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 133 and therefore denies the same.

134. Paragraph 134 does not require a response by Brain Buster. To the extent that Paragraph 134 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 134 and therefore denies the same.

135. Paragraph 135 does not require a response by Brain Buster. To the extent that Paragraph 135 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 135 and therefore denies the same.

136. Paragraph 136 does not require a response by Brain Buster. To the extent that Paragraph 136 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 136 and therefore denies the same.

137. Paragraph 137 does not require a response by Brain Buster. To the extent that Paragraph 137 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 137 and therefore denies the same.

138. Paragraph 138 does not require a response by Brain Buster. To the extent that Paragraph 138 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 138 and therefore denies the same.

139. Paragraph 139 does not require a response by Brain Buster. To the extent that Paragraph 139 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 139 and therefore denies the same.

140. Paragraph 140 does not require a response by Brain Buster. To the extent that Paragraph 140 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 140 and therefore denies the same.

141. Paragraph 141 does not require a response by Brain Buster. To the extent that Paragraph 141 is deemed to require a response, Brain Buster lacks knowledge sufficient to confirm or deny the allegations of Paragraph 141 and therefore denies the same.

142. Brain Buster denies the allegations of Paragraph 142. Brain Buster lacks knowledge sufficient to confirm or deny the allegations against the other defendants and therefore denies the same.

143. Brain Buster requests that the Court deny all relief to Parallel Networks, including that requested by Parallel Networks in its Prayer for Relief.

AFFIRMATIVE DEFENSES

Brain Buster's Affirmative Defenses are listed below. Brain Buster reserves the right to amend its Answer to add additional Affirmative Defenses, including instances of inequitable conduct, consistent with the facts discovered in the case.

FIRST DEFENSE

144. Brain Buster does not infringe and has not infringed any claim of the '111 Patent under any theory (including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement)).

SECOND DEFENSE

145. The '111 Patent is invalid because the alleged invention fails to satisfy the conditions for patentability specified in 35 U.S.C. § 100 *et seq.*, including §§ 101, 102, 103, and 112.

THIRD DEFENSE

146. To the extent that Parallel Networks, and alleged predecessors-in-interest to the '111 Patent, failed to properly mark any of their relevant products as required by 35 U.S.C. § 287 or otherwise give proper notice that Brain Buster's actions allegedly infringed the '111 Patent, Brain Buster is not liable to Parallel Networks for the acts alleged to have been performed before it received actual notice that it was allegedly infringing the '111 Patent.

FOURTH DEFENSE

147. To the extent that Parallel Networks asserts that Brain Buster indirectly infringes, either by contributory infringement or inducement of infringement, Brain Buster is not liable to Parallel Networks for the acts alleged to have been performed before Brain Buster knew that its actions would cause indirect infringement.

FIFTH DEFENSE

148. Parallel Networks' attempted enforcement of the '111 Patent against Brain Buster is barred by laches and estoppel.

SIXTH DEFENSE

149. Parallel Networks has failed to state a claim for which relief can be granted. For example, despite the Court's dismissal of Parallel Networks' willfulness claims as made in its Original Complaint for failure to provide a factual basis indicating that Parallel Networks is entitled to relief [D.E. 336], Parallel Networks' restated willfulness claims remain deficient for the same reason.

COUNTERCLAIMS

The Parties

150. Counterclaim Plaintiff Brain Buster Enterprises, LLC is a Delaware limited liability company with its principal place of business at 555 West 18th Street, 3rd Floor, New York, NY 10011.

151. On information and belief based solely on Paragraph 1 of the Complaint as alleged by Parallel Networks, Parallel Networks is a Texas limited liability company, with its principal place of business located in Plano, Texas.

Jurisdiction

152. This counterclaim arises under the patent laws of the United States, Title 35, United States Code. The jurisdiction of this Court is proper under at least 35 U.S.C. § 271 *et seq.*, and 28 U.S.C. §§ 1331, 1338, 1367, and 2201-02.

153. Venue is proper in this District pursuant to at least 28 U.S.C. §§ 1391 and 1400. Venue is further proper in the Tyler Division.

Count I

Declaratory Relief Regarding Non-infringement

154. Based on Parallel Networks' filing of this action and Brain Buster's First Defense, an actual controversy has arisen and now exists between the parties as to whether Brain Buster infringes the '111 Patent.

155. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Brain Buster requests a declaration by the Court that it does not infringe any claim of the '111 Patent under any theory (including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement)).

Count II

Declaratory Relief Regarding Invalidity

156. Based on Parallel Networks' filing of this action and Brain Buster's Second Defense, an actual controversy has arisen and now exists between the parties as to the validity of the claims of the '111 Patent.

157. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and 35 U.S.C. § 100 *et seq.*, Brain Buster requests a declaration by the Court that the claims of the '111 Patent are invalid.

Count III

Declaratory Relief Regarding Unenforceability

158. Based on Parallel Networks' filing of this action and Brain Buster's Third, Fourth, and Fifth Defenses, an actual controversy has arisen and now exists between the parties as to the enforceability of the '111 Patent.

159. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Brain Buster requests a declaration by the Court that the claims of the '111 Patent are unenforceable.

PRAYER

Brain Buster respectfully requests a judgment against Parallel Networks as follows:

- A. A declaration that the '111 Patent is unenforceable;
- B. A declaration that the asserted claims of the '111 Patent are invalid;
- C. A declaration that Brain Buster does not infringe, under any theory, any valid claim of the '111 Patent that may be enforceable;
- D. A declaration that Parallel Networks take nothing by its Complaint;

- E. Judgment against Parallel Networks and in favor of Brain Buster;
- F. Dismissal of the Complaint with prejudice;
- G. An award to Brain Buster of its costs and attorneys' fees incurred in this action;
and
- H. Further relief as the Court may deem just and proper.

JURY DEMAND

Brain Buster hereby demands trial by jury on all issues.

Dated: April 11, 2011

Respectfully submitted,

FISH & RICHARDSON P.C.

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BRAIN BUSTER ENTERPRISES, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 11, 2011, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Neil J. McNabnay
Neil J. McNabnay